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anguish of the wife, the loss of the solace and comfort growing out of the husband's death, and the business habits and earning capacity of the husband as affecting his capacity to earn a livelihood for his family.

8. **CONTRIBUTORY NEGLIGENCE**—*Discovery*—*Reasonable care*. The defendant under the evidence in this case, is liable for the injury inflicted on the plaintiff, notwithstanding the latter's contributory negligence, if, by the exercise of reasonable care it could have discovered and avoided such injury.

9. **INSTRUCTIONS**—*Evidence to support*. It is error to give an instruction when there is no evidence tending to support it.

MATHEWS v. GLENN.—Decided at Wytheville, June 12, 1902.—

Buchanan, J:

1. **DELINQUENT LANDS**—*Cloud on title*—*Redemption*. A person whose land has been sold for delinquent taxes and purchased by the State has no interest in the land except the right to redeem it, and cannot maintain a suit to remove a cloud upon the title. A tender of the purchase price, however, to a purchaser from the Commonwealth is not an offer to redeem, nor will a wrongful payment by such purchaser deprive the owner of the right to redeem.

NORFOLK RAILWAY & LIGHT Co. v. CORLETT.—Decided at Wytheville, June, 12, 1902.—*Buchanan, J:*

1. **PLEADING**—*Negligence*—*How charged*—*Street railways*. A declaration against a street car company which charged that the company so "negligently, carelessly, recklessly and improperly" managed its cars as to inflict the injury complained of upon the plaintiff who was in and upon the street of a city, sufficiently charges a breach of duty by the defendant without giving other particulars.

2. **EXPERT EVIDENCE**—*Street railways*—*Speed*. Expert testimony is admissible to show within what space a street car running under given conditions may be stopped.

3. **STREET RAILWAYS**—*Speed*—*Statutes*—*Ordinances*—*Negligence*. Statutes and municipal ordinances regulating the speed of railroad trains and street cars at certain places are made for the protection of travellers, and any violation of them is competent evidence of negligence in an action brought by a traveller on the highway, even though only a penalty is imposed for their violation.

4. **STREET RAILWAYS**—*Municipal regulations*—*Speed*. Street railway companies are subject to reasonable municipal or police control, and are bound by reasonable ordinances fixing rate of speed, though passed after they had obtained the right to run their cars upon the streets of the city.

5. **INSTRUCTIONS**—*Error*—*Effect on verdict*. It will be presumed that an erroneous instruction affected the verdict of the jury, and it will be set aside unless it appears from the whole record that the error did not affect, and could not have affected the verdict.